

UNITED STATES DISTRICT COURT SEP 17 2025  
EASTERN DISTRICT OF CALIFORNIACLERK U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY *[Signature]*

DEPUTY CLERK

Jamie Osuna BD0868

PO Box 3476  
CSP-COR  
Corcoran, CA 93212  
Non-Party Intervenor/Real  
Party in Interest.

v.

Dora Solares,

Plaintiff,

v.

Diaz, et al

Defendants.

No. 1:20-cv-00323-LHR-BAM

THIRD-PARTY OBJECTION AND MOTION  
TO QUASH SUBPOENAS AND FOR  
PROTECTIVE ORDER: IMPROPER  
ATTEMPT TO COMPEL SEALED  
CRIMINAL AND MENTAL HEALTH  
RECORDS IN VIOLATION OF  
CONSTITUTIONAL RIGHTS

RECEIVED

SEP 17 2025

CLERK U.S. DISTRICT COURT

Third party Mr. Osuna, by ERIN DARLING through his filings and  
objections, respectfully challenges Plaintiff's counsel's attempt  
to compel disclosure of his privileged mental health records in  
this wrongful death civil action.

## I. INTRODUCTION

Plaintiff's attorney, Erin Darling, contends that Mr. Osuna waived his psychotherapist-patient privilege via the filings of unrelated §1983 action. On that basis, Darling now seeks to use or compel disclosure of Osuna's mental health records in this separate wrongful death case.

This argument is unfounded. The privilege belongs solely to Osuna, who is not a party to this litigation. Osuna has filed multiple objections, notices, and requests regarding his

1 privilege, which the Court has docketed but disregarded,  
2 continuing to make rulings on his confidential records without  
3 allowing him to participate.

4 Moreover, the Office of the Inspector General (OIG) and the  
5 Office of Internal Affairs (OIA) remain bound by sealing orders  
6 entered in the parallel criminal proceedings. Federal courts have  
7 no authority to compel state agencies to disregard such criminal  
8 court orders. See *Younger v. Harris*, 401 U.S. 37, 43-44 (1971)  
9 (federal courts must refrain from interfering in state criminal  
10 proceedings); *United States v. Nixon*, 418 U.S. 683, 691-92 (1974)  
11 (valid judicial orders control disclosure of sensitive  
12 materials). Accordingly, OIG and OIA may lawfully decline to  
13 comply with subpoenas in this matter where compliance would  
14 contravene the state court's sealing orders. Such obedience  
15 cannot constitute contempt. See *United Mine Workers v. Bagwell*,  
16 330 U.S. 258, 294 (1947) (contempt requires violation of a valid  
17 and applicable order).

18 Compounding the problem, Osuna is currently facing capital  
19 homicide prosecution. His defense team is actively relying on the  
20 mental health records at issue here as potential mitigation  
21 evidence and protected work product. Disclosure in this civil  
22 case would irreparably prejudice his constitutional rights.

23 **II. LEGAL STANDARD**

24 • **Psychotherapist-Patient Privilege:** Recognized under federal  
25 common law. *Jaffee v. Redmond*, 518 U.S. 1, 15 (1996).

26 • **Waiver:** Only the privilege holder may waive. *United States*  
27 *v. Amlani*, 169 F.3d 1189, 1195 (9th Cir. 1999). Waiver is  
28 not global and must be construed narrowly. *Bittaker v.*

1                   Woodford, 331 F.3d 715, 720-21 (9th Cir. 2003) (en banc).

2                   • **Due Process:** Individuals whose rights are adjudicated must  
3                   be given notice and an opportunity to be heard. *Mathews v.*  
4                   *Eldridge*, 424 U.S. 319, 333 (1976).

5                   • **Protective Orders:** Courts may restrict discovery to protect  
6                   non-parties from prejudice. Fed. R. Civ. P. 26(c).

7                   **III. ARGUMENT**

8                   **A. Privilege Belongs Exclusively to Osuna**

9                   The Supreme Court has made clear that the psychotherapist-  
10                  patient privilege belongs to the patient, not to opposing counsel  
11                  or other litigants. *Jaffee v. Redmond*, 518 U.S. at 15. Erin  
12                  Darling cannot waive Osuna's privilege on his behalf.

13                  Osuna has not authorized waiver in this wrongful death  
14                  matter. To the contrary, he has consistently asserted his  
15                  privilege through objections and notices. Under binding  
16                  precedent, only Osuna can waive, and he has not done so. *Amlani*,  
17                  169 F.3d at 1195.

18                  **B. Limited Disclosure in a Separate Case Does Not Create  
19                  Global Waiver**

20                  The Ninth Circuit has rejected "global waiver" theories,  
21                  holding that waiver must be limited "to the extent fairness  
22                  requires." *Bittaker*, 331 F.3d at 720-21.

23                  Darling's attempt to use any disclosure in one case to erase  
24                  privilege in a wholly different lawsuit is legally impermissible.

25                  **C. Osuna Has Been Denied a Meaningful Opportunity to Be  
26                  Heard**

27                  Although Osuna has filed multiple objections regarding his  
28                  privilege, the Court has continued to issue rulings on his

1 confidential records without affording him standing or meaningful  
2 participation. This violates due process. *Mathews v. Eldridge*,  
3 424 U.S. at 333.

4 Courts cannot adjudicate an individual's privilege rights  
5 behind his back. Doing so undermines the integrity of the  
6 proceedings and deprives Osuna of the protections guaranteed  
7 under law.

8 **D. The Parallel Capital Case Demands Heightened Protection**

9 Osuna is a defendant in a pending capital prosecution. His  
10 defense team is actively relying on the mental health records at  
11 issue here as potential mitigation evidence and protected work  
12 product. Disclosure in this civil case risks:

- 13 • Tainting the jury pool in the criminal trial (*Sheppard v.*  
14 *Maxwell*, 384 U.S. 333, 362-63 (1966));
- 15 • Revealing defense strategy in violation of the Sixth  
16 Amendment (*Weatherford v. Bursey*, 429 U.S. 545, 554 n.4  
17 (1977)); and
- 18 • Creating structural error requiring reversal if prosecution  
19 gains access to privileged defense materials (*Bittaker*, 331  
20 F.3d at 722).

21 The Attorney General has already acknowledged this risk by  
22 requesting that the civil matter be stayed until after the  
23 criminal trial. Yet the Court has disregarded this and proceeded,  
24 compounding the prejudice.

25 **E. Protective Relief Is Necessary**

26 Given these circumstances, the Court should issue a  
27 protective order under Rule 26(c) to:

- 28 1. Confirm that any waiver in the unrelated §1983 case does not

1 extend to this wrongful death matter;

2. Prohibit Plaintiff's counsel from seeking or using Osuna's

3 privileged mental health records here;

4. Seal any privileged records already filed in this action;

5 and

6. Stay further rulings on Osuna's records until resolution of

7 his parallel criminal case 19CM-1882.

8 **F. Civil Discovery Is Being Misused to Undermine**

9 **Osuna's Criminal Defense**

10 This civil action has become a vehicle for improper

11 intrusion into Mr. Osuna's criminal defense. One of the

12 defendants in this case, Defendant Burnes, is also a State

13 witness against Osuna in his pending capital trial, and an

14 alleged victim in another felony charge. By pressing for

15 disclosure of privileged OIG/OIA records, interrogation

16 notes, and mitigation materials in this civil forum, Burnes

17 and other prison officials would gain premature access to

18 defense information that is not discoverable in the criminal

19 felony proceedings.

20 This tactic operates in effect as a trial by proxy,

21 using civil discovery to circumvent criminal discovery

22 protections. The Constitution forbids such end-runs. See

23 *Weatherford v. Bursey*, 429 U.S. 545, 554 n.4 (1977)

24 (recognizing Sixth Amendment violation where State intrudes

25 into defense strategy); *Bittaker v. Woodford*, 331 F.3d 715,

26 722 (9th Cir. 2003) (waiver in one case cannot prejudice

27 defense in another).

28 **G. Premature Access by Witness Burnes, Who Also Claims**

1                   **Victim Status in a Separate Felony Case**

2                   Defendant Burnes is not only a party to this civil  
3                   action but also a State witness in Osuna's pending capital  
4                   prosecution and the alleged victim in a separate felony  
5                   case. Allowing him to review OIG/OIA reports, interrogation  
6                   notes, or mitigation-related materials through this civil  
7                   proceeding would provide access to defense information  
8                   across two criminal cases in which his roles are directly  
9                   adverse to Osuna.

10                  This creates an intolerable risk of witness  
11                  contamination and unfair prejudice. See *Napue v. Illinois*,  
12                  360 U.S. 264, 269 (1959); *Geders v. United States*, 425 U.S.  
13                  80, 89 (1976); *Sheppard v. Maxwell*, 384 U.S. 333, 362-63  
14                  (1966). By compelling disclosure here, the Court risks  
15                  granting Burnes unauthorized access to materials sealed in  
16                  criminal court, undermining Osuna's rights in both  
17                  prosecutions.

18                  Moreover, although Burnes remains a CDCR employee, he  
19                  has no legitimate access to OIG or OIA investigative  
20                  reports, interrogation records, or mitigation materials.  
21                  Those documents are protected by privilege, protective  
22                  orders, and sealing orders in the criminal case. The only  
23                  avenue by which Burnes could review them is through this  
24                  civil discovery process--an end-run around criminal  
25                  protections.

26                  Granting such access would also enable Burnes and other  
27                  defendants, all named as parties in this civil action  
28                  arising from the same incident underlying the criminal

1 proceedings, to collaborate and study privileged defense  
2 materials. This coordinated access is tantamount to  
3 providing prosecution witnesses with sealed criminal  
4 discovery in advance of trial. Such a result violates due  
5 process and the constitutional guarantee of a fair trial.  
6 See *Phillips v. General Motors Corp.*, 307 F.3d 1206, 1211  
7 (9th Cir. 2002); *Kelly v. City of San Jose*, 114 F.R.D. 653,  
8 660 (N.D. Cal. 1987).

9 **H. Burnes and Other Defendants Cannot Obtain OIG/OIA  
10 Records Through Employment or Criminal Discovery**

11 Although Burnes remains a CDCR employee, he has no  
12 lawful access to OIG or OIA investigative reports,  
13 interrogation records, or mitigation materials. Those  
14 documents are protected by criminal court sealing orders,  
15 privileges, and protective orders. The only way Burnes could  
16 review them is through this civil litigation, making the  
17 discovery requests here a transparent end-run around  
18 criminal protections.

19 Granting such access would also allow Burnes and other  
20 civil defendants, all connected to the incident underlying  
21 the criminal case, to collaborate and study privileged  
22 defense materials. This coordinated access amounts to giving  
23 prosecution witnesses and potential adversaries early and  
24 **unauthorized discovery** of sealed criminal evidence.

25 Courts have consistently held that protective orders  
26 and law enforcement privileges cannot be circumvented in  
27 this way. *Phillips v. General Motors Corp.*, 307 F.3d 1206,  
28 1211 (9th Cir. 2002) (protective orders must be enforced);

1                   *Kelly v. City of San Jose*, 114 F.R.D. 653, 660 (N.D. Cal.  
2                   1987) (law enforcement investigatory privilege bars civil  
3                   access to sensitive investigative files).

4                   This Court should not permit civil discovery to provide  
5                   State witnesses and alleged victims with access to materials  
6                   that even their employment and criminal discovery rules  
7                   forbid.

8                   **I. Ineffective Federal Protective Orders and Trial by  
9                   Proxy Through Media Exposure**

10                  Plaintiff's counsel Erin Darling has argued that the  
11                  federal court has gone over and beyond to protect the  
12                  disputed OIG/OIA records through civil protective orders. In  
13                  practice, however, those protective orders fall far short of  
14                  the protections imposed by the criminal court's seal.

15                  Unlike true sealing orders, which bar public access,  
16                  the protective orders in this civil case merely designate  
17                  materials as "attorneys' eyes only" while still allowing  
18                  filings and descriptions to appear on PACER, accessible to  
19                  the media and the public. As a result, sensitive content  
20                  from criminal investigative materials, including Osuna's  
21                  interrogation interview, has been described, interpreted,  
22                  and disseminated in public filings. Both Plaintiff's counsel  
23                  and the Attorney General have openly discussed the contents  
24                  of such materials, effectively placing them in the public  
25                  record.

26                  Indeed, outlets such as Courthouse News Service have  
27                  reported on this case, quoting Darling's statements about  
28                  Osuna and amplifying prejudicial interpretations of

1 privileged or sealed materials. This media-dissemination  
2 demonstrates that the current protective order regime is  
3 insufficient to safeguard Osuna's constitutional rights.

4 The Supreme Court has repeatedly warned that  
5 prejudicial publicity and improper disclosure can deprive a  
6 defendant of a fair trial. *Sheppard v. Maxwell*, 384 U.S.  
7 333, 362-63 (1966) (courts must prevent publicity that  
8 compromises the fairness of criminal trials). Here, the  
9 civil forum is being used as a vehicle to conduct a trial by  
10 proxy, with Darling and others using public filings to  
11 disseminate prejudicial information that would remain sealed  
12 in the criminal case.

13 This civil discovery has been applied in a manner  
14 inconsistent with protective orders violates Osuna's rights  
15 under the Sixth and Fourteenth Amendments. Allowing public  
16 access through PACER, and media amplification of the  
17 contents of privileged records, directly undermines the  
18 impartiality of the future criminal jury pool and  
19 contaminates Osuna's ability to receive a fair trial.

20 Further, Plaintiff's counsel has referred to Osuna in  
21 public filings and proceedings as a "psychopath," and has  
22 made other statements that risk prejudicing the presumption  
23 of innocence outside the confines of a criminal trial. Such  
24 labels and assertions, when amplified through PACER access  
25 and media coverage, erode the presumption of innocence  
26 guaranteed to every criminal defendant. See *Estelle v.*  
27 *Williams*, 425 U.S. 501, 503 (1976); *Gentile v. State Bar of*  
28 *Nevada*, 501 U.S. 1030, 1074-75 (1991).

1                   The danger is heightened because filings from this  
2 civil case were referenced during Plaintiff's counsel  
3 Darling's competency-related proceedings in the criminal  
4 court. This demonstrates how Darling's civil litigation  
5 tactics have already caused crossover into the criminal  
6 forum, underscoring the risk that dissemination of  
7 privileged or sealed materials through PACER undermines both  
8 the impartiality of the future jury pool and the fairness of  
9 related judicial proceedings.

10                  The Constitution requires that criminal guilt be  
11 determined in a court of law, not in the media or through  
12 civil litigation filings. The use of civil discovery and  
13 public filings to brand Osuna, prejudge guilt, and expose  
14 privileged materials constitutes a trial by proxy, in direct  
15 violation of his rights under the Sixth and Fourteenth  
16 Amendments. See *Sheppard v. Maxwell*, 384 U.S. 333, 362-63  
17 (1966).

18                  Plaintiff's counsel has even gone so far as to suggest  
19 that the federal court went over and beyond in attempting to  
20 protect the disputed records, while at the same time blaming  
21 that court for seeking materials and claiming it directed  
22 him to pursue them. These arguments reflect a fundamental  
23 failure to respect the jurisdictional boundaries between  
24 civil and criminal proceedings. The sealing orders entered  
25 by the criminal court control these records; this Court  
26 cannot override them by rebranding disclosure as a civil  
27 discovery matter. See *Younger v. Harris*, 401 U.S. 37 (1971)  
28 (federal courts must respect the jurisdiction of state

Moreover, by making these statements in public filings, Darling has again exposed prejudicial content and interpretations to PACER and to the media, which is inconsistent with the standards of true criminal court sealing orders. Unlike a genuine seal, the federal protective orders here have allowed Darling to describe records on the public docket, thereby compounding prejudice.

9                   J. The Civil Case Should Be Postponed Until Completion  
10                   of the Criminal Trial to Prevent Jury Pool Contamination

11           This Court should give due consideration to postponing  
12           the civil proceedings until Osuna's capital criminal case  
13           has concluded. The risk of prejudice is acute because both  
14           cases draw from the same local jury pool. By allowing  
15           premature release and public discussion of OIG/OIA reports,  
16           interrogation materials, and other privileged records in  
17           this civil case, Plaintiff's counsel Darling has already  
18           caused, and will continue to cause, serious prejudice to  
19           Osuna's right to an impartial jury in his pending  
20           prosecution.

21                   Although materials may be designated for "attorneys'  
22 eyes only," Darling has repeatedly described their contents  
23 in open court, in filings accessible on PACER, and before  
24 media outlets. Any future jury empaneled in this civil  
25 matter will hear Darling's interpretations of privileged  
26 criminal materials, further amplifying prejudicial  
27 narratives. At the same time, those same jurors will be  
28 drawn from the pool Osuna must rely upon for his capital

1 case.

2 Darling and Defendants cannot dismiss this prejudice by  
3 suggesting Osuna may seek a change of venue in the criminal  
4 case. Such a motion is not guaranteed to succeed, and courts  
5 may deny transfer requests. See *Skilling v. United States*,  
6 561 U.S. 358, 381-82 (2010) (change of venue not automatic  
7 even with extensive publicity). Moreover, even if granted,  
8 widespread and persistent media coverage risks contaminating  
9 jury pools beyond the local county, undermining Osuna's  
10 rights regardless of venue. See *Rideau v. Louisiana*, 373  
11 U.S. 723, 726-27 (1963) (due process violated where  
12 pervasive pretrial publicity prejudiced jury pool).

13 This overlap creates an impermissible risk that Osuna's  
14 jury will be exposed, directly or indirectly, to prejudicial  
15 interpretations of sealed materials before his trial even  
16 begins. Such premature exposure impedes Osuna's Sixth  
17 Amendment right to a fair and impartial jury. See *Sheppard*  
18 *v. Maxwell*, 384 U.S. 333, 362-63 (1966).

19 For these reasons, principles of due process and  
20 fundamental fairness require that this civil action be  
21 postponed until after the criminal proceedings have  
22 concluded, so that the jury pool for Osuna's trial remains  
23 uncontaminated.

24 **K. Plaintiff Has Not Put Osuna's Mental Health at Issue**

25 Across multiple amended complaints, Plaintiff's counsel  
26 Erin Darling has never alleged that Osuna's mental health  
27 was a basis for liability in this wrongful death action.  
28 Instead, he has repeatedly described Osuna merely as a

1 "psychopath." That is not a medical or psychiatric  
2 diagnosis.

3 Indeed, "psychopathy" is not recognized as a mental  
4 disorder in the Diagnostic and Statistical Manual of Mental  
5 Disorders (DSM-5), the controlling psychiatric  
6 classification. See also *United States v. Stitt*, 250 F.3d  
7 878, 884 (4th Cir. 2001) (recognizing psychopathy as  
8 distinct from mental illness). Darling's own framing  
9 confirms that Osuna's mental health has not been put at  
10 issue and thus his privilege remains intact.

11 **L. The Romero Grievance Confirms Mental Health Is  
12 Irrelevant Here**

13 Plaintiff has also alleged that Romero filed a  
14 grievance but has not produced it or connected it to Osuna's  
15 mental health. This omission underscores that the civil case  
16 is not about Osuna's psychiatric condition but about the  
17 conduct of prison officials. Thus, privilege cannot be  
18 deemed waived in this matter.

19 **M. Obedience to Criminal Court Seals Cannot Be Punished  
20 as Contempt**

21 OIG and CDCR are bound by the criminal court's sealing  
22 orders. Compliance with those orders cannot subject them to  
23 contempt in this civil action. See *United Mine Workers*, 330  
24 U.S. at 294 (contempt requires violation of a valid,  
25 applicable order). Here, the only valid and controlling  
26 orders are those of the criminal court.

27 To hold these agencies liable for honoring the criminal  
28 court's seals would violate principles of comity and exceed

1 this Court's authority. See *Younger v. Harris*, 401 U.S. 37  
2 (1971).

N. Plaintiff's Counsel's Tactics Constitute Improper  
Circumvention and Threaten Constitutional Rights

5 By seeking in this civil matter what he could not  
6 obtain from the criminal court, Plaintiff's counsel Erin  
7 Darling is attempting an impermissible end-run around  
8 established criminal protections. This tactic risks  
9 contaminating the criminal trial, providing State witnesses  
10 with access to sealed materials, and intruding on defense  
11 strategy, all in violation of the Sixth and Fourteenth  
12 Amendments. See *Weatherford*, 429 U.S. at 554 n.4; *Bittaker*,  
13 331 F.3d at 722.

14                   Darling's approach risks intruding upon criminal  
15                   evidence and interfering with the integrity of witnesses  
16                   under the guise of civil discovery, risking due process  
17                   violations in a pending capital case.

18 Plaintiff's counsel's position also improperly shifts  
19 blame to the federal court, portraying it as the source of  
20 authority to pursue sealed criminal materials, when in fact  
21 jurisdiction lies solely with the criminal court that issued  
22 the seal. Any attempt to sidestep those orders in this civil  
23 forum disregards the limits of federal jurisdiction and  
24 intrudes upon criminal proceedings where Osuna's liberty and  
25 constitutional rights are at stake.

## O. Escalation to Appellate, Criminal, and Civil Remedies

28 If this Court persists in compelling disclosure of

1 sealed OIG/OIA, mental health, *inter alia* records, Mr. Osuna  
2 will have no choice but to seek immediate relief from higher  
3 courts, including the Ninth Circuit through mandamus or  
4 interlocutory appeal, as well as from the state criminal  
5 court that issued the sealing orders. See *Bauman v. U.S.*  
6 *Dist. Court*, 557 F.2d 650, 654 (9th Cir. 1977).

7 Further, Mr. Osuna expressly reserves his right to  
8 pursue separate civil actions against any parties who  
9 knowingly attempt to circumvent criminal court orders or  
10 intrude upon his constitutionally protected privileges. Such  
11 conduct may give rise to claims under 42 U.S.C. § 1983 for  
12 violation of due process, Sixth Amendment rights, and  
13 unlawful interference with the criminal defense process.

14 **P. Plaintiff's Counsel Has Failed to Justify Waiver of  
15 Privileges Over Third-Party Constitutional Rights**

16 Plaintiff's counsel Erin Darling has never explained,  
17 nor could he, how forcing waiver of Osuna's privileges could  
18 outweigh Osuna's constitutional rights to a fair and  
19 impartial jury trial in his pending capital prosecution.  
20 Courts have consistently held that privileges, particularly  
21 the psychotherapist-patient privilege, are absolute and not  
22 subject to balancing against generalized civil discovery  
23 interests. *Jaffee v. Redmond*, 518 U.S. 1, 17 (1996).

24 Even if Darling could argue relevance, Osuna is not a  
25 party to this civil action. His privileged mental health  
26 records are relied upon in his criminal defense, and  
27 disclosure here would irreparably taint that process. See  
28 *Bittaker v. Woodford*, 331 F.3d 715, 720-22 (9th Cir. 2003)

1 (waiver must be narrowly confined, not global).

2 **Q. Darling's Tactics Constitute Impermissible Fishing**  
3 **Expeditions**

4 Darling repeatedly argues that because others have seen  
5 documents, including OIG reports, he should be entitled to  
6 comb through them as well, even absent any showing of need.  
7 This is improper. The Supreme Court has held that discovery  
8 cannot be used as a tool for harassment or for wide-ranging  
9 fishing expeditions. *Seattle Times Co. v. Rhinehart*, 467  
10 U.S. 20, 34 (1984); *Oppenheimer Fund, Inc. v. Sanders*, 437  
11 U.S. 340, 351 (1978).

12 Civil discovery rules do not authorize blind combing  
13 through sealed criminal investigative files merely on the  
14 theory that something might be there.

15 **R. Misrepresentations and Shifting Allegations Confirm**  
16 **Abuse**

17 Darling has also engaged in evolving and inconsistent  
18 claims to justify his discovery tactics:

19 • He alleged Osuna had a lot of in-cell violence, yet cited  
20 only a single incident from 2012 in county jail, far removed  
21 from CDCR's jurisdiction and inconsistent with his broad  
22 claims.

23 • He has repeatedly referenced a grievance by Romero but has  
24 failed to produce it, later attempting to shift his  
25 narrative when it did not support his claims.

26 This conduct demonstrates an abuse of the discovery  
27 process. Courts have inherent authority to sanction such bad  
28 faith tactics. *Chambers v. NASCO, Inc.*, 501 U.S. 32, 46

1 (1991); *Roadway Express, Inc. v. Piper*, 447 U.S. 752, 766  
2 (1980).

3 **S. Civil Discovery Cannot Undermine Constitutional**  
4 **Rights**

5 Darling's pattern of misuse seeks to leverage civil  
6 discovery to obtain materials shielded in a criminal  
7 proceeding, thereby undermining Osuna's Sixth and Fourteenth  
8 Amendment rights. Civil litigants' interest in combing  
9 through documents cannot outweigh a defendant's right to a  
10 fair trial and impartial jury in a capital case. See  
11 *Sheppard v. Maxwell*, 384 U.S. 333, 362-63 (1966);  
12 *Weatherford v. Bursey*, 429 U.S. 545, 554 n.4 (1977).

13 **IV. CONCLUSION**

14 For the foregoing reasons, Osuna respectfully objects to  
15 Plaintiff's counsel's claim of global waiver and requests that  
16 the Court:

17 1. Recognize that Osuna retains his psychotherapist-patient  
18 privilege;  
19 2. Reject Plaintiff's counsel's attempt to compel disclosure;  
20 3. Enter a protective order preserving privilege and sealing  
21 any records already filed; and

22 September 16, 2025,

23 Respectfully submitted,

24   
25

26 p.p. Jamie Osuna  
27

28

## Certificate of Service

### **THIRD-PARTY OBJECTION AND MOTION TO QUASH SUBPOENAS AND FOR PROTECTIVE ORDER: IMPROPER ATTEMPT TO COMPEL SEALED CRIMINAL AND MENTAL HEALTH RECORDS IN VIOLATION OF CONSTITUTIONAL RIGHTS**

I, Jamie Osuna, declare:

1. I am an incarcerated, pro se non-party at CSP–Corcoran, and I am not a registered CM/ECF participant.
2. Prison officials have refused to e-process legal filings beyond original conditions of confinement complaints. I therefore cannot serve parties directly by e-filing.
3. On September 16, 2025, this filing was addressed and sent through USPS to the United States District Court, Eastern District of California, for docketing.
4. Pursuant to Fed. R. Civ. P. 5(b)(2)(D) and Local Rule 135, I respectfully request that the Clerk of Court serve all registered CM/ECF participants in this case through the Court's electronic filing system, as I cannot effectuate service otherwise.
5. I previously filed motions requesting alternative service through the Clerk and CM/ECF, which remain pending. This certificate is submitted to preserve my rights and ensure service through the Court's system.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

September 16, 2025,

Respectfully submitted,



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